

C. STANLEY HUNTERTON
Nevada Bar No. 1841
HUNTERTON & ASSOCIATES
333 So. Sixth St.
Las Vegas, Nevada 89101
(702-388-0098)
Counsel for Defendant Christopher J. Biggers

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 2:10-CR-0003-JCM-PAL
)	2:10-CR-0039-JCM-PAL
CHRISTOPHER J. BIGGERS,)	2:01-CR-0464-JCM-PAL
)	
Defendant.)	
_____)	

STIPULATION TO CONTINUE TRIAL AND REVOCATION HEARING DATES

IT IS HEREBY STIPULATED AND AGREED by and between DANIEL G. BOGDEN, United States Attorney, through ROGER YANG, Assistant United States Attorney and C. STANLEY HUNTERTON, counsel for Defendant Christopher J. Biggers, that the trial date in this matter presently set for July 12, 2010 at the hour of 8:30 am, the supervised release revocation hearing currently set for July 9, 2010 at 9:30 am, and the trial date in this matter presently set for August 9th, 2010 at 9:00am be vacated and continued.

This Stipulation is entered into for the following reasons:

1. C. Stanley Hunterton was just recently appointed as the second CJA counsel for Defendant on May 20, 2010. On May 20, 2010, the defendant,, the Magistrate Judge, and the Assistant United States Attorney were informed that appointment of new counsel would require a continuance of current trial dates.

2. On June 9, 2010, this Court granted a stipulation to continue trial in case number 10-cr-0003 JCM PAL, a bank robbery previously consolidated with case number 10-cr-0039 JCM PAL, to August 9, 2010 (Docket #62). The parties neglected to continue the trial date in 10-cr-0039 JCM PAL or the revocation hearing date in case number 01-cr-00464 JCM PAL.
3. Counsel for the Defendant will be out of town and unavailable to try the case on July 12, 2010. As a result, denial of this request would deny Defendant representation at trial.
4. Counsel for Defendant will also be out of town and unavailable a number of times in July and August, and will not have the proper time to prepare for trial on August 9th, 2010.
5. Denial of this request for continuance would deny counsel for the Defendant sufficient time within which to be able to effectively and thoroughly prepare for trial taking into account the exercise of due diligence.
6. For all of these reasons, the ends of justice would best be served by vacating the trial date in 10-CR-00039, the revocation hearing date in 01-CR-00464, and the trial date in 10-CR-0003. Defense counsel respectfully requests that the new trial date be set after October 4th, 2010.
7. The additional time requested in this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(D) and 3161(h)(7) and 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
8. That Defendant has no objection to the continuance.

9. This is the second request for a trial continuance in both 10-CR-00039 and 10-CR-0003.

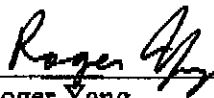
DATED this 7th day of July, 2010.

HUNTERTON & ASSOCIATES



C. Stanley Hunterton
333 So. Sixth St.
Las Vegas, Nevada 89101
Counsel for Defendant Christopher Biggers

DANIEL G. BOGDEN
UNITED STATES ATTORNEY



Roger Yang
333 Las Vegas Blvd. So. #5000
Las Vegas, Nevada 89101
Counsel for Plaintiff

C. STANLEY HUNTERTON
Nevada Bar No. 1891
HUNTERTON & ASSOCIATES
333 So. Sixth St.
Las Vegas, Nevada 89101
(702-388-0098)
Counsel for Defendant Christopher J. Biggers

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
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vs.)	CASE NO. 2:10-CR-0003-JCM-PAL
)	2:10-CR-0039-JCM-PAL
CHRISTOPHER J. BIGGERS,)	2:01-CR-0464- JCM-PAL
)	
Defendant.)	
_____)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the pending Stipulation of counsel and good cause appearing therefore, the Court finds that:

1. On June 9, 2010, this Court granted a stipulation to continue trial in case number 10-cr-0003 JCM PAL, a bank robbery previously consolidated with case number 10-cr-0039 JCM PAL, to August 9, 2010 (Docket #62). The parties neglected to continue the trial dates in 10-cr-0039 JCM PAL and anticipated going to trial on August 9, 2010.

2. Counsel for the Defendant will be out of town and unavailable to try the case on July 12, 2010. As a result, denial of this request would deny Defendant representation at trial.
2. The Defendant is incarcerated but does not object to the continuance.
3. The Government affirmatively joins in the request for the continuance.
4. Denial of this request for continuance would deny counsel for Defendant sufficient time within which to be able to effectively and thoroughly research, prepare and submit for finding appropriate pretrial motions and notices of defense, taking into account the exercise of due diligence and could result in a miscarriage of justice.
5. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(D) and 3161(h)(7) and 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
6. This is the second request for a continuance of this matter in this case.

For all of the above reasons, the ends of justice would best be served by a continuance of the calendar call and trial date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity with which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(A); 3161(h)(7) and Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the Calendar Call currently scheduled for July 7, 2010 at the hour of 1:30 pm and the Trial currently set for July 12, 2010 at the hour of 9:00 am for case number 10-CR-00039 JCM-PAL, be vacated and continued.

IT IS FURTHER ORDERED that the revocation hearing for case number 01-CR-00464 JCM-PAL currently set for July 9, 2010, be vacated and continued.

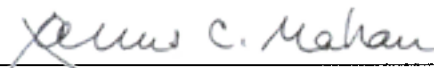
IT IS FURTHER ORDERED that the Calendar Call currently scheduled for August 4, 2010 at the hour of 1:30 pm and the Trial currently set for August 9, 2010 at the hour of 9:00 am for case number 10-CR-00003 JCM-PAL be vacated and continued.

IT IS FURTHER ORDERED that the Calendar Call for case numbers 10-CR-00039 JCM PAL, and 10-CR-00003 JCM PAL is set for **13th day of October, 2010 at 1:30 p.m.**, and the Trial is set for **the 18th day of October, 2010 at 9:00 a.m.**

IT IS FURTHER ORDERED that Dispositive Motions are due on the **7th day of September, 2010, Opposition Motions are due on the 17th day of September 2010, and Replies are due on the 23rd day of September, 2010 all by the close of business day 4:00 p.m.**

IT IS FURTHER ORDERED that Voir Dire lists and Witness lists are due at Calendar Call on **Wednesday, October 13, 2010 at 1:30 p.m.**

DATED this 2nd day of August, 2010.


UNITED STATES DISTRICT JUDGE